

Open Burning Workgroup
Meeting Summary
July 14, 2005
10:00 am

The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) had a kick-off meeting of the open burning workgroup July 14 to discuss open burning issues. Attendees included fire safety officials, regulatory agency staff, small business advisory folks, and city planners.

Leanne Tippet Mosby, Air Pollution Control Program director, opened the meeting with comments on the opportunity that this workgroup has to improve the regulations. Present rules need clarification so they are clearly understood by all. The inconsistencies between the four current regulations need to be addressed. The Department of Natural Resources' director asked that small, rural fire districts be represented on this workgroup. Leanne invited attendees to suggest additional people to invite to participate in this workgroup.

Paul Myers, APCP passed out an agenda for the meeting, copies of the four open burning regulations, a copy of a citizen petition, and handouts that had relevant definitions and comparisons between the four regulations. Paul spoke about the purpose of the workgroup.

Goals: 1. Eliminate inconsistencies as much as possible (excluding metro areas)
2. Address citizen concerns
3. Mesh with fire control authorities

Attendees introduced themselves and were asked to speak for a moment as to their interests within the workgroup and concerns/comments with present regulations. Some of the topics mentioned are as follows: getting the message out on the regulations, contractor awareness, unifying regulations, people violating regulations stating they didn't know about regulations and then challenging regulators authority, pallets, waste stream and having no way to get rid of items, burn permits take up time to issue, majority of state wide complaints are open burning, time drain to respond to open burning complaints, agriculture burning in bootheel, new definitions needed, and open burning done on bad air days right outside of metropolitan areas

Paul then opened up floor to general discussion of regulations.

Jerry Sparkman, Battlefield FD Chief commented it would be good to have a size floor for requiring an air curtain destructor (ACD) for land clearing fires. It was mentioned that if performance or technical standards for ACDs were in the rule that we could lose flexibility in the open burning permitting process.

Richard Barnes, Southwest Regional Office had come up with a proposed new regulation by taking the best of existing regulations. Paul will email Richard's draft to those attending this meeting for their comment.

Ed Hancock, Gravois FPD; Doug Yurecko, Waynesville FPD; Ed Nicholson, Osage Beach FPD, and Steve Paulsell, Boone County Fire all commented on the issue of responding to open burning complaints and not being the right person to call. Those calls should go to MDNR. Takes up time and resources. Fire departments are perceived as doing MDNR's enforcement work.

Jack Lonsinger, Small Business Compliance Advisory Committee and Nancy Morgan, St. Louis Urban Outreach Office brought up allowing untreated lumber (wood waste) to be open burned when there is no economically feasible alternative. The group discussed the fact that timber can be burned (round wood) but "square wood" cannot. Others commented on individuals who do/would burn other materials in addition to untreated wood waste.

Karl Fett, Kansas City Regional Office brought up the rural areas within incorporated municipalities where people occasionally have to burn brush. These areas need to be accommodated in a new rule.

Karl Barke, Springfield Local Air Agency stated Springfield's rule is essentially the outstate rule from DNR with the exception that they allow only vegetative waste from land clearing to be burned and tract must be over four acres to be permitted.

Kris Ricketts, MDNR is working to get consistency among the regions in how they issue permits and to streamline permits. She is also the liaison to MODOT and will contact for participation in workgroup.

Steve Feeler, APCP thinks we should consider proximity to others when burning takes place in a revised or new rule. He stated the APCP now issues warnings more than NOV's. Repeat violators get NOV. Most people aren't aware of our regulation and want to do the right thing when told.

Gary Gaines, Southeast Regional Office told about how agricultural burning in the boot heel generates huge smoke plumes. Farmers have used it for ages. Agricultural burning is exempt except when a danger to highway travel is created. There have been accidents and even deaths caused by this smoke. We need to reconsider agricultural burning but to change will require educating the farmers on alternative methods to prepare the land. He also mentioned that incentives would be needed. Someone else mentioned that farm interests are very powerful and changing the regulation might be a political football.

Leanne has talked to a rep from Farm Bureau, who called about some regulation she had heard about. May want to have a separate work group to address ag burning issue.

Jack Lonsinger mentioned the regulation applying to developers burning brush but not to farmers. Can we address this? He also suggested maybe there should be a provision for region offices to declare no burn days when weather forecast indicates smoke would not dissipate and no burning, not even ag would be allowed.

Nancy Morgan brought up developers burning brush outside metro St. Louis area on red days. This is causing problems but it is not against regulations. Can this be addressed? Leanne

commented that ranchers burning pastures in Kansas' Flint Hills caused KC air quality problems and that we had to argue with EPA to exclude those days in attainment determination.

Jack Lonsinger suggested contractor groups should be represented. Leanne and Paul agreed to contact AGC.

Kris Ricketts offered an opinion that there is a disconnect between the process (open burning) and people's perception of the harm (they don't recognize it can be harmful to people). There will have to be education.

Jack Lonsinger asked if we have surveyed what other states in our area do? Paul said that will be part of the work he will do for this process, but has not done yet.

Jack asked if there were federal regulations? Paul explained there are not. Then Leanne explained that under statute we can have no regulation stricter than federal, but if there is no federal regulation we can regulate, and this regulation falls in that area.

Steve Feeler mentioned the time (\$\$\$) that goes into issuing burn permits and investigating complaints. City of Springfield recently implemented a fee for burn permits. We may want legislation to allow charging fee for burn permits.

Jack Lonsinger asked for the next meeting date because he had to leave early. Some discussion ensued and the date was set at August 23, in Jefferson City at 10 a.m. Paul will make arrangements and let people know by email.

Paul stated the group needs to decide what their objectives are: Amend current rules; new rule incorporating old rules into one; or do nothing. Reminded workgroup that any major changes would need to be supported with technical justification. The workgroup decided to pursue a new regulation.

A wish list for the revised regulation was developed:

- Definitions - comprehensive and readable. What is trade waste, ag waste, land clearing waste, etc. Recreational fire.

- Members should check the handout Paul had today with definitions for additions and clarifications.

- Performance standards? or technical requirements such as when ACD is required, size of pile, etc.

- Borrow best parts of existing rules

- Should regulation include requirement for coordination with local fire authority? Some FD reps said yes, some no.

- Fire training

- Should a requirement to notify fire department be part of rule?

- We have to ensure we don't go into someone else's jurisdiction

- Should permit be required on all land clearing operations?

Kris Ricketts commented on the department's land disturbance permit. Perhaps we can have burning/not burning on the electronic version which will be out some time next year. If burning is checked then would advise check with region office on a burn permit. She also asked if there was an umbrella organization of fire departments and if there was good communication among them? A: communication is not very good. However, all are regulated by DPS Division of Fire Safety and that office can disseminate information to all fire departments in state. Someone from that office was invited but did not come. They will be invited to the next meeting too.

Before next meeting, members will review the draft regulation that Paul will send out and make comments and suggestions to Paul for next meeting.

There will be a web page for the group and others interesting in the open burning issue within APCP internet pages.

The meeting was adjourned at 12:30 pm.

Attendees:

Doug Yurecko, Waynesville FPD
Ed Nicholson, Osage Beach FPD
Laurie Bobbitt, MDNR/Solid Waste Management Program
Cecilia Campbell, MDNR/Solid Waste Management Program
Ed Hancock, Gravois FPD
Omer Roberts, MDNR/Outreach and Assistance Center
Nancy Morgan, MDNR/St. Louis Urban Outreach
Jerry Sparkman, Battlefield FPD
Richard Barnes, MDNR/Southwest Regional Office
Jack Lonsinger, Small Business Compliance Advisory Committee
Karl Fett, MDNR/Kansas City Regional Office
Todd Crawford, MDNR/Air and Land Protection Division
Paul Jeffery, MDNR/Air Pollution Control Program
Karl Barke, Springfield Air Pollution Control
Kris Ricketts, MDNR/Regional Office coordinator
Paul Myers, MDNR/Air Pollution Control Program
Leanne Tippet Mosby, MDNR/Air Pollution Control Program
Steve Feeler, MDNR/Air Pollution Control Program
Trent Summers, MDNR/Director's Office
Steve Paulsell, Boone County Fire and Fire Alliance
Gary Gaines (phone), MDNR/Southeast Regional Office